

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Hirokazu Nishimura, et al. **Examiner:** Atia K. Syed
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Commissioner for Patents
P. O. Box 1450
Alexandria, VA 23313-1450

STATEMENT PURSUANT TO 37 C.F.R. §1.704(d)

Sir:

I hereby state that each item of information contained in the Information Disclosure Statement submitted herewith was first cited in a communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in §1.56(c) more than thirty days prior to the filing of the Information Disclosure Statement.

CERTIFICATE OF ELECTRONIC FILING

I hereby certify that this correspondence is being deposited with the United States Patent & Trademark Office via Electronic Filing through the United States Patent and Trademark Office e-business website on the date set forth below.

Dated: October 7, 2009

/Thomas Spinelli/
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Therefore, the Information Disclosure Statement submitted herewith cannot be considered a failure to engage in reasonable efforts to conclude prosecution of the application under paragraphs (c)(6), (c)(8), (c)(9), or (c)(10) of 37 C.F.R. §1.704.

Respectfully submitted,

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